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16 **UNITED STATES DISTRICT COURT**  
17 **NORTHERN DISTRICT OF CALIFORNIA**  
18 **SAN FRANCISCO DIVISION**

20 IN RE: UBER TECHNOLOGIES, INC.,  
PASSENGER SEXUAL ASSAULT  
LITIGATION

22 This Document Relates to:

23 ALL ACTIONS

Case No. 3:23-md-03084-CRB

DEFENDANTS UBER TECHNOLOGIES,  
INC., RASIER, LLC, RASIER-CA, LLC'S  
**ADMINISTRATIVE MOTION TO SEAL**

Judge: Hon. Lisa J. Cisneros  
Courtroom: G – 15th Floor

**DEFENDANTS' STATEMENT IN SUPPORT OF SEALING****CONFIDENTIAL MATERIALS**

Pursuant to Local Rules 7-11 and 79-5, and the Protective Order entered in this case, dated December 28, 2023, ECF 176 (“Protective Order”), Defendants Uber Technologies, Inc., Rasier, LLC, Rasier-CA, LLC (collectively “Uber”), respectfully submit this Administrative Motion to Seal an exhibit to the declaration of Veronica Gromada in support of Uber’s letter brief regarding Plaintiffs’ subpoena to Ballard Partners, dated September 6, 2024. Uber respectfully requests that the Court seal the following submissions:

**I. BACKGROUND AND REQUESTED SEALING**

One exhibit is at issue:

Document	Description
Exhibit B to the declaration of Veronica Gromada in support of Uber’s letter brief regarding Plaintiffs’ subpoena to Ballard Partners	Contracts between Ballard Partners and Uber

These contracts contain confidential and commercially sensitive business information that would harm Uber’s competitive standing if the documents were made public. Uber therefore submits this motion requesting that the Court seal the documents under Local Rule 79-5(f)(3).

**II. LEGAL STANDARD**

Documents which do not relate directly to the merits of a case are properly sealed when a moving party makes “a particularized showing under the good cause standard of Rule 26 (c)” *Kamakana v. City and County of Honolulu*, 447 F.3d 1172, 1180 (9th Cir. 2006) (internal quotations omitted); *Ctr. For Auto Safety v. Chrysler Group, LLC*, 809 F.3d 1092, 1101-02 (9th Cir. 2016). Federal Rule of Civil Procedure 26(c) states that good cause may exist when issuing an order to seal is necessary to “protect a party or person from annoyance, embarrassment, oppression, or undue burden or expense”. Fed. R. Civ. P. 26(c).

The documents here are related to a motion to quash a subpoena or for a protective order, they are not produced in relation to a dispositive motion. See *United States v. Selugh*, 896 F. 3d 1007, 1015

(9<sup>th</sup> Cir. 2018); *Brown v. Google LLC*, No. 20-cv-03664-YGR (SVK), 2022 WL 4227545, at \*1; *Adtrader, Inc. v. Google LLC*, No. 17-cv-07082-BLF 2020 WL 6387381 at \*1 (N.D. Cal. Feb. 24, 2020). Therefore, the good cause standard applies. Discovery motion materials “are actually one step further removed in public concern from the trial process than the discovery materials themselves.” *Selugh*, 896 F. 3d at 1015. District Courts have discretion to balance the interests of private parties and public disclosure when deciding to seal documents. *Kamakana*, 447 F.3d at 1180.

### **III. UBER’S MATERIAL SHOULD BE KEPT UNDER SEAL**

The contracts at issue should be sealed under the good cause standard. These documents contain sensitive non-public information including commercially sensitive information and business information. *See Gromada Decl.* ¶¶ 3. Uber has a legitimate interest in sealing the documents in order to avoid harm to its competitive standing. There are no less restrictive alternatives to sealing these documents.

#### **A. Failing to Seal the Documents Would Harm Uber**

The documents at issue contain commercially sensitive, non-public information regarding Uber’s contracts and business practices and relationships that could harm Uber’s marketplace standing and cause undue harm if publicly disseminated. *See Gromada Decl.* ¶¶ 3-4.

**Exhibit B to the Declaration of Veronica Gromada in Support of Uber’s Letter Brief Regarding Plaintiffs’ Subpoena to Ballard Partners:** This exhibit consists of three contracts between Ballard Partners and Uber and a termination letter. It contains confidential information and terms regarding Uber’s contractual and business relationship with Ballard Partners. *See Gromada Decl.* ¶ 3. The disclosure of this document could harm Uber’s marketplace standing and cause undue harm if publically disseminated. *See id. See, e.g., Int'l Swimming League, Ltd. v. Fed'n Internationale de Natation*, No. 18-CV-07393-JSC, 2021 WL 796259, at \*2 (N.D. Cal. Mar. 2, 2021) (finding that “good cause exist to seal the excerpts of [a] letter brief that reference[d contractual] provisions”).

#### **B. A Less Restrictive Alternative to Sealing is Insufficient to Prevent Harm**

No less restrictive alternative to sealing the exhibits to the documents at issue is sufficient. The material that Uber proposes sealing contains sensitive information not intended for public

1 dissemination. *See* Gromada Decl. ¶ 3. As such, actions short of sealing would be insufficient to  
2 protect Uber's competitive standing and interests in confidentiality.

3 **IV. CONCLUSION**

4 For the foregoing reasons, Uber respectfully requests that the Court order that Exhibit B to the  
5 declaration of Veronica Gromada in support of Uber's letter brief regarding Plaintiffs' subpoena to  
6 Ballard Partners be maintained under seal.

7  
8 DATED: September 6, 2024

Respectfully submitted,

9 **SHOOK HARDY & BACON L.L.P.**

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